

Appendix B Comments Received on Draft EIS/EIR

This appendix contains comments received on the DEIS/DEIR. A copy of each letter, or public comment card is reproduced, followed by the responses to substantive issues raised. The portions of each comment requiring a response have been marked with brackets and numbered to correspond to the responses. Letters have been grouped in the following categories:

- Federal Agencies
- State Agencies
- Local Agencies
- Individuals



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 30, 2002

Maiser Khaled
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

Dear Mr. Khaled:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the **Butte 70/149/99/191 Highway Improvement Project**, Butte County, California (CEQ Number: 020229, ERP Number: FHW-K40251-CA). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR §1500-1508), and Section 309 of the Clean Air Act.

The Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) propose to upgrade State Route (SR) 149 to a four-lane expressway and construct freeway-to-freeway interchanges at the SR 70/149 and SR 99/149 intersections. Other improvements include realignment of SR 70 between SR 149 and SR 191, rehabilitation of the existing SR 149 roadway, reconstruction of the SR 70/191 interchange, and construction of driveway access and county roads, including a portion of Shippee Road, Table Mountain Boulevard, and Book Farm Road.

The project would begin at the proposed SR 70/149 interchange and end at the proposed SR 99/149 interchange, a distance of 4.6 miles. The purpose of the project is to improve traffic safety, maintain a Level of Service (LOS) C through the year 2020, and provide a continuous four-lane interregional transportation system between Ororville and Chico. The DEIS includes three build alternatives and a no-build alternative.

On October 8, 1999, EPA, a signatory agency to the NEPA/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), concurred with the purpose and need, criteria for selection of alternatives, and the range of alternatives for the project. EPA also reviewed and commented on the SR 70/149/99 Initial Study/Environmental Assessment (IS/EA) in a letter dated June 15, 2001. Due to anticipated impacts to wetlands, EPA recommended the preparation of an EIS. We commend FHWA's decision to prepare an EIS.

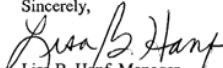
EPA appreciates the opportunity we have had to discuss our questions and concerns about the DEIS with Caltrans staff. However, after reviewing the DEIS, we continue to have major concerns about: 1) the cumulative impacts analysis; 2) impacts to waters of the U.S.; 3) induced growth; and 4) air quality. Our detailed comments are attached.

Based on our concerns, we have rated the document *Environmental Concerns-Insufficient Information (EC-2)*. This rating applies to all the build alternatives. Please see the attached *Rating Factors* for a description of EPA's rating system.

Following public review of the DEIS, the next step in the NEPA/404 MOU process is for FHWA/Caltrans to identify and seek concurrence from the signatory agencies on the least environmentally damaging practicable alternative (LEDPA) and the conceptual mitigation plan and implementation schedule. Concurrence should be sought prior to issuance of the Final EIS.

When the Final EIS is completed, please send us two copies at the address above (mail code: CMD-2) at the same time it is filed with EPA's Washington, D.C. office. If you have any questions, please feel free to contact me or Nancy Levin, the point of contact for this project. Nancy can be reached at 415-972-3848 or levin.nancy@epa.gov.

Sincerely,


Lisa B. Hanf, Manager
Federal Activities Office

Attachments: Summary of EPA Rating Definitions
Detailed Comments

cc: Jean L. Baker, Caltrans District 3
Tom Cavanaugh, U.S. Army Corps of Engineers
Jerry Bielfeldt, U.S. Fish and Wildlife Service
Michael Aceituno, U.S. National Marine Fisheries Service

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Cumulative Impacts

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) define a cumulative impact as "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR §1508.7).

The purpose of a cumulative impacts analysis is to help decision makers and the public understand the rate and magnitude of losses to environmental resources of concern over time, and within an appropriate geographical scope. A cumulative impacts analysis of environmental impacts allows for more informed environmental planning and management.

EPA supports Caltrans' identification of the corridor from Sacramento to Chico as the cumulative impacts study area (CISA). The cumulative impacts analysis in the Draft Environmental Impact Statement (DEIS), however, is incomplete. It does not take into account impacts from all major Caltrans projects and major development activities in the CISA. More information is needed on cumulative impacts to resources of concern, including: 1) wetlands and waters of the U.S.; 2) threatened and endangered species and their habitat; and 3) agricultural resources. The cumulative impacts analysis in the Supplementary DEIS for the I-880/SR 92 Interchange project (Caltrans District 4) may be a good reference for the type of information useful in a comprehensive cumulative impacts analysis.

EPA recognizes that an analysis of cumulative impacts to resources of concern can be difficult and complex. Since a cumulative impacts analysis is required by the CEQ regulations implementing NEPA, and since the Sacramento to Chico corridor includes numerous Caltrans projects, EPA would like to suggest that the cumulative impacts analysis for the SR 149 project, once complete, can be used for other projects in the corridor.

Recommendations

- Discuss the past, present, and reasonably foreseeable impacts on resources of concern. Choose a baseline from which these impacts are measured. Analyze the rate of loss and magnitude (size and relative importance) of impacts to these resources.
- Include all major Caltrans projects in the cumulative impacts analysis (and in Tables 4.1, 4.2 and 4.3). Include projects that were not carried forward in the analysis from the Environmental Assessment (EA, Table 3), such as the Third Crossing of the Feather River, SR 70/Algonon (formerly Motorplex) Interchange, and Upgrade of State Route (SR) 99 south of Yuba City projects.
- Include major development projects (in addition to those listed in Table 4.1) that could impact resources of concern, such as the South Sutter Yuba Industrial Park, the high

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- Include major development projects (in addition to those listed in Table 4.1) that could impact resources of concern, such as the South Sutter Yuba Industrial Park, the high 3

school/development project in Chico, development in Oroville, and the Casino on Ophir Road. Quantitative information on impacts should be readily available in project Environmental Impact Reports, and is useful for cumulative analysis. 3

- Given that the Lincoln Bypass and other projects on SR 65 have significant impacts on vernal pools, it is reasonable to include these projects in the cumulative impacts analysis. Also, the inclusion of SR 65 projects in the Caltrans Growth Inducement Report (June 2000) covering the SR 70 Sacramento to Chico Corridor suggests that SR 65 projects should be included in the cumulative impacts analysis for the corridor. 4
- The Beale Airforce Base is adjacent to the CISA boundary and is a site for future development (airport expansion, training facilities, residential, hospital, landfills, munitions storage) that will have environmental impacts, particularly to vernal pools. Given the potential growth and resource impacts, EPA suggests that this area be included in the CISA. 5
- Discuss the issues of habitat fragmentation and loss of wetland functions as a result of transportation improvements and changing development patterns. Clarify whether fragmentation and loss of functions are captured in the numbers presented in Tables 4.2 and 4.3. Estimates of impacts of the Marysville Bypass should be included in Tables 4.2 and 4.3. 6
- A separate project, "Clear Creek Bridge" project, is proceeding in the SR 149 project study area in order to correct structural footings damaged by long-term degradation and scour (page 1-7). The impacts of this project should be included in the cumulative impacts analysis. 7
- In order to analyze the cumulative impacts to resources of concern from development projects, it is important to have current information on city and county plans and major development projects. This information includes when the general plan was updated, size (acreage and units) of the major development projects, mitigation plans (acreage and location) and parties responsible for mitigation, expected completion dates for major projects, and the potential for unplanned growth. 8
- The DEIS states that a Butte Habitat Conservation Plan (HCP) is forthcoming. Please provide information on the status of and area covered by the Butte HCP. Describe how this HCP will: 1) help conserve highly threatened resources of concern and 2) address the potential for induced growth from this and other projects in the Butte county. 9
- Discuss specific steps that are being taken by the cities and counties to protect agricultural land. Describe any specific policies in the general and specific plans to protect agricultural resources. 10

Waters of the United States

The numbers of acres of impacts to vernal pool and swale habitat in Table 4-2 and Table S-1 appear to be inconsistent. Table 4-2 estimates that the SR 149 project will have 6.49 acres of direct and indirect impacts on vernal pools and swales. Table S-1 lists direct impacts to vernal pool and swale habitat as 6.5 to 8.23 acres, depending on the alternative chosen. In addition, the impacts in Table S-1

do not include the indirect impacts to vernal pool and swale habitat.

Figure 3-3 (sheet 2 of 2) lists impacts to fairy and tadpole shrimp habitat as considerably higher than the acreages of vernal pools and swales. The Final EIS (FEIS) should clarify the methodology used to determine that shrimp habitat is greater than vernal pool and swale habitat.

Recommendations

- Clarify any inconsistencies in wetlands numbers cited in the paragraphs above. 11
- Include indirect impacts to vernal pool and swale habitat in Table S-1. 12
- Address the extent of habitat fragmentation, loss of wetland functions adjacent to the alignment, and impacts to hydrology that affect wetlands, in the context of reasonably foreseeable development. 13
- Design the facility to avoid and minimize impacts to resources to the extent practicable by minimizing the median strip and footprint. 14

Induced Growth

The DEIS states that future development in the Sacramento to Chico corridor "would occur regardless of capacity additions to the State Highway System (SHS)." The implication of this statement is that the freeway and expressway upgrades in the corridor have no bearing on the location, rate, and type of development. EPA recommends that this statement be substantiated, since research sponsored by the American Association of State Highway and Transportation Officials in cooperation with the Federal Highway Administration, and numerous studies specific to California, show that transportation improvements can, in fact, significantly affect the location, pattern, and pace of development.¹

Changes in development patterns tend to affect the amount of vehicle miles traveled (VMT), which can affect mobile-source emissions. Increased development in more rural areas will probably result in greater VMT due to longer travel distances.

FHWA has recognized that the corridor improvements "may increase capacity and make travel in the region quicker..." Traffic models consistently show that increases in speed are likely to encourage more VMT. Increases in VMT can lead to increases in mobile-source emissions, including air toxics, as well as increases in polluted stormwater runoff. Increases in speeds increase nitrogen oxide (NOx) emissions, and can also contribute to increases in volatile organic compounds (VOCs) and particulates.

Recommendations

- Clearly state how the proposed project may affect the location, pattern, pace, and type of residential, commercial, and industrial development in the region. 15

¹Land Use Impacts of Transportation: A Guidebook, Transportation Research Board, National Research Council, Project 8-32(3), May 1998.

- Describe the potential environmental impacts from induced growth and increased VMT from the SR 149 project, identify opportunities to mitigate for those impacts, and suggest which parties would be most appropriate to provide mitigation.

Air Quality

Butte County is designated a non-attainment area for the one-hour ozone standard under the National Ambient Air Quality Standards (NAAQS) regulated under the Federal Clean Air Act. Because the new eight-hour ozone standard is more stringent than the one-hour standard, it is likely that Butte County will also be in non-attainment for the new eight-hour ozone standard once attainment areas are designated. The new eight-hour standard may have bearing on the project as it develops. Therefore, it would be useful, and appropriate under the public disclosure requirements of NEPA, to include in the FEIS a discussion of the implications of the new eight-hour ozone standard with respect to the project.

The area has experienced exceedances of particulate matter less than 2.5 microns in diameter (PM 2.5). These are likely to be exacerbated by NOx increases, VOC increases and direct PM 2.5 from re-entrained dust. EPA is aware of the serious health effects that "fine" particulates can cause, as reflected in EPA's new standard for PM 2.5. While EPA has not yet designated non-attainment areas for PM 2.5, EPA recommends that the FEIS include a discussion of the implications of the new PM 2.5 standard with respect to the project. EPA also urges FHWA and Caltrans to reduce particulate emissions to the greatest extent possible.

The project is in a conforming Federal Transportation Improvement Plan (FTIP) dated September 2000. Since the FTIP is renewed every two years, the FEIS should indicate that the same project is included in the most current FTIP and Regional Transportation Plan (RTP) in any future NEPA documents.

Recommendations

- Include in the FEIS discussions of the new eight-hour ozone and PM 2.5 standards. To the extent that monitoring data are available on these two criteria pollutants, include that information in the FEIS. 16
- Identify sensitive receptors in the project area, such as children, elderly, infirm, and athletes, and schedule construction to minimize impact to these populations. 17
- Specify the duration and concentration of air emissions by pollutant and location for each phase of project construction. 18
- Reduce the use of diesel-powered equipment in construction. Include mitigation measures that detail how diesel emissions will be minimized for each phase of project construction. 19
- Demonstrate that the project is part of the most current FTIP and RTP, and conforms to the State Implementation Plan (SIP). 20

Other Comments

The project involves the realignment of Shippee Road and abandonment of existing road. The FEIS should include a discussion of the future jurisdiction and uses of the abandoned section of existing road.

21

The California Land Conservation (Williamson) Act of 1965 gives landowners preferential tax treatment for land that is kept in agriculture or open space. The SR 149 project will require Caltrans to acquire land that is currently under Williamson Act contracts. The DEIS states that the acquisition of Williamson Act contracts requires no mitigation. Please provide additional information to explain why no mitigation is required for Caltrans' acquisition of these protected lands.

22

The EPA is incorrectly identified as a cooperating agency for this project on the front page of the DEIS. This should be corrected in the FEIS.

23

**Response to Comments from
United States Environmental Protection Agency, Region 9**

Cumulative Impacts

1. Resources of concern for the cumulative impact analysis are wetlands (including vernal pools and swales), special status vernal pool shrimp species, and Butte County Meadowfoam (indirect impacts). Past actions that have caused impacts in the project area include those related to agricultural practices, grazing of livestock, and the reconstruction of SR 149 in 1975. Currently, ongoing agricultural practices and livestock grazing are impacting the resources of concern. The ongoing operation of existing SR 149 has not eliminated wetland resources, or special status vernal pool species. Reasonably foreseeable future actions in the project area that could impact the resources of concern are continued agricultural practices and livestock grazing, and the construction of the proposed project. There is also the possibility of a casino development project near the SR 99/149 intersection. Currently, the Mechoopda Indian Tribe is attempting to place 400 acres into Trust through the Bureau of Indian Affairs. No timeline for a project proposal is currently available.
2. The Third Feather River Bridge project has not been included in the cumulative effects evaluation as it would not impact similar resources to those found in the SR 149 project area. The SR 70/Algodon Road Interchange project has been included in the cumulative evaluation, as it is on the SR 70 corridor and would have vernal pool impacts. Project information has been added to Tables 4-1, 4-2. Since this project would not impact VELB, no additional information has been added to Table 4-3. The SR 99 widening south of Yuba City has not been included in the cumulative analysis since it would not have impacts to similar resources found in the SR 149 project area, and is not on the SR 70 corridor.
3. The South Sutter/Yuba Industrial Park, located along SR 99 near the Sacramento County line, has not been included in the cumulative analysis as it is far removed from the SR 149 project area, and does not contain similar resources. The new high school project in Chico has not been included as a site has not been chosen, and it is not possible to speculate on project impacts. According to the Butte County Association of Governments (BCAG), no development projects are currently proposed in and around the Oroville/Chico area, and there is no new casino project on Ophir Road.
4. The SR 65 Lincoln Bypass project was not included in the cumulative effects evaluation as it is not located along the SR 70 corridor and is far removed from the SR 149 project area.
5. Beale Airforce Base was not included in the cumulative effects evaluation as it is not located along the SR 70 corridor.

6. The proposed project could contribute to habitat fragmentation for vernal pool species. Although there would be no direct impact to Butte County Meadowfoam, indirect impacts of approximately 0.21 ha (0.53 ac) could occur. The project would directly impact approximately 11.87 ha (29.33 ac), and indirectly impact 6.88 ha (17.0 ac) of vernal pool fairy and tadpole shrimp habitat. Impacts would be minimized and mitigated through implementation of reasonable and prudent measures outlined in the U.S. Fish & Wildlife Service Biological Opinion for the proposed project. Travel corridors for wildlife would be maintained throughout the project area. The proposed project would maintain all current hydrological connections. Wetland functions would only be impacted in areas where placement of fill occurs. Proposed mitigation would result in “no net loss” of wetlands and vernal pool fairy and tadpole shrimp habitat. Impacts to plant community, wildlife, and wetland functions would be offset through preservation of existing high quality habitats, creation of new habitats, and restoration of degraded habitats.
7. The Clear Creek Bridge scour repair has been completed. This was a minor project that will not contribute to cumulative impacts to resources in the project area.
8. Butte County is currently undertaking the General Plan update, and has hired a consultant to help with the process. The update will take approximately 2 years.
9. BCAG will be sending out a Request for Proposals for the HCP development at the end of November 2003.
10. Current zoning restrictions and General Plan policies are in place to protect agricultural lands.

Wetlands

11. In Table 4-2, estimated impacts to vernal pools and swales were based on Alternative 3. The Estimated Impact column was incorrectly labeled as representing direct + indirect impacts; this has been changed to read temporary + permanent impacts, consistent with Table S-1. The impact estimate for the SR 149 project in Table 4-2 has been rounded up from 6.49 ac to 6.5 ac, to match the corresponding number for Alternative 3 in Table S-1 (temp. + perm.).
12. Impacts to habitat for endangered vernal pool species were assessed as being either direct or indirect. Impacts to vernal pools, a Clean Water Act Section 404 wetland resource, were assessed as being either permanent or temporary. In Table S-1, Vernal Pool & Swale “habitat” has been changed to read Vernal Pools and Swales for clarification.
13. There is no reasonably foreseeable development adjacent to the proposed project in the areas that would have impacts to wetlands. Areas containing wetland resources for the preferred alternative are shown in Figure 2-6; Butte County has not identified any development projects in these locations.

14. Median width has already been reduced from the standard 22 m (72 ft) to a minimum 18.6 m (60 ft), thus reducing the project footprint.

Induced Growth

15. Infrastructure for development does not currently exist along the SR 149 corridor. Butte County has identified preservation of agricultural land as a priority for the County (Butte County General Plan). The majority of land bordering the proposed project is zoned for agricultural uses. While the County can approve changes in zoning, the stated desire (General Plan) to direct development toward existing urbanized areas whose infrastructure can support or be expanded to support development indicates that land in and around the project area is not a major target for development.

The pace and type of residential, commercial and industrial development is difficult to predict, and is dependent on many factors including economic conditions in the County. The population in Butte County is predicted to increase by somewhere around 44% by the year 2020 (BCAG) regardless of transportation improvements. The proposed project would improve traffic circulation to and from Oroville and Chico and may accommodate growth in these areas.

Butte County is planning for growth to occur in the greater Oroville and Chico urbanized areas. Development projects would be responsible for mitigating their own environmental impacts, which could include any number of areas in the social, economic, or natural environment. Traffic predictions indicate that SR 149 will experience an increase in Average Daily Traffic (ADT) of approximately 150% by the year 2020 (Table 1-2). One objective of the proposed project is to increase the capacity of the roadway to accommodate this increase in traffic. If capacity is not increased, congestion will lead to increased safety and operational concerns. Environmental impacts that would result from the proposed SR 149 improvement project have been presented in the FEIS/R, and Caltrans and the FHWA have outlined appropriate mitigation for those impacts (Section S.4, Summary of Proposed Mitigation).

Air Quality

16. The USEPA has proposed new eight-hour ozone and PM 2.5 standards, but they have been held up in recent court actions. Attainment/non-attainment areas have not been designated for the new standards, but current areas of non-attainment will probably continue as such with the more stringent standard. PM 2.5 data is being reported for a number of monitoring stations in the project area. The monitoring data (which is available on the Air Resources Board website) does show concentrations of PM 2.5 in the area.

Regional air quality analysis is contained in the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP). When a transportation project is included in a conforming RTP or TIP, as is the proposed project, then the additional emissions from the project are accounted for and no further analysis is required.

17. The proposed project is located in a rural area with a low density of receptors. No concentrations of sensitive receptors have been identified within the project limits.
18. During the construction phase of the project, the contractor would be required to comply with the Caltrans Standard Specifications and the Butte County Air Quality Management District (BCAQMD) regulations. BCAQMD has a Fugitive Dust Emission Rule (Rule 207) that specifies that dust emissions must be controlled. The Rule does not require Caltrans to quantify air emissions by pollutant and location for each phase of the project.
19. The Air Resources Board has classified Diesel Particulate Matter as a Toxic Air Contaminant. The Board has promulgated Risk Reduction Plans to address diesel emissions. At this time, there is no method to quantify and mitigate diesel emissions. Therefore, construction equipment must comply with all local regulations and the Caltrans Standard Specifications and must meet applicable emission standards.
20. According to BCAG, the proposed project is in the most current (2002) FTIP and Butte County's 2001 RTP, and conforms to the SIP.

Other Comments

21. Butte County would take jurisdiction over the new section of the Shippee Road realignment and would abandon the old alignment, which would likely be deeded to existing property owners for access to their property.
22. State highway projects are generally exempt under Section 51293 from the provisions of the Williamson Act. Therefore, no mitigation is required.
23. This correction has been made.

**Response to Comments from
United States Department of Energy, Western Area Power Administration**

Jeannie Baker
07/19/2002 06:46 AM
To: Sue Bauer/D03/Caltrans/CAGov@DOT
cc:
Subject: Draft EIS/EIR Comments

Comments from WAPA regarding their right of way.

----- Forwarded by Jeannie Baker/D03/Caltrans/CAGov on 07/19/2002 06:45 AM -----



"Steve Tuggle"
<TUGGLE@wapa.gov>
07/18/2002 05:58 PM

To: <jeannie_baker@dot.ca.gov>
cc: "Bruce Thomas" <BTHOMAS@wapa.gov>, "Chuck Cooper" <COOPER@wapa.gov>, "Geoff Buchholz" <GBUCHHOL@wapa.gov>, "Heidi Miller" <HMILLER@wapa.gov>, "Ross McFate" <MCFATE@wapa.gov>, "Scott Hicks" <SHICKS@wapa.gov>
Subject: Draft EIS/EIR Comments

Appreciate the opportunity to comment on the Butte 70/149/99/191 Highway Improvement Project. These comments are centered around Western Area Power Administration's (Western) Transmission Line that will be relocated due to the proposed highway improvements.

On page 3-5 of the document states mitigation and BMP practices that would be implemented. What BMP's will be required of Western's linemen for the relocation of Western's Cottonwood-Roseville Transmission Line?

1

On page 3-18 the document states mitigation for impacts associated with the proposed project. Western would like to illustrate that since line reliability must be preserved through operation and maintenance practices, no on-site mitigation within Western's Right-of-Way (ROW) should take place.

2

On page 3-25 and 3-26 the document discusses mitigation through on-site and off-site mitigation. In addition, the document also states oak trees to be avoided will be marked in the field and identified as ESA's. Again, Western would like to clarify that since line reliability must be preserved through operation and maintenance practices, no on-site mitigation within Western's ROW's should take place. Also, vegetation that has the potential for encroaching into the minimum clearance distance (18 feet from the point of maximum sag - WAPA Order 6460.1) should be evaluated for removal prior to establishing a new transmission line footprint. Vegetation over 12 feet in height interferes with the safe operation and maintenance of the transmission line.

3

4

On page 3-65 and 3-67 the document discusses two of Western Area Power Administration's towers are present on the west side of SR 70 north of SR 149. It is Western's understanding that more than two Transmission Line towers will be affected or relocated. This document should clarify the proposed project impacts on utility relocations and also address any impacts and/or mitigations associated with these relocations.

5

Steve Tuggle
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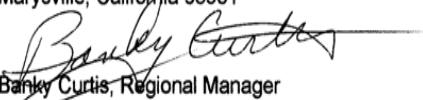
1. No Best Management Practices (BMPs) would be required of Western Area Power Administration (WAPA) linemen.
2. No mitigation would take place within WAPA right-of-way.
3. Same as #2.
4. Vegetation that would interfere with operation and maintenance of transmission lines would be removed.
5. Two Western Area Power Administration (WAPA) towers are present on the west side and one on the east side of SR 70, north of SR 149. The two WAPA towers on the west side would be eliminated, and would be replaced by three towers. One additional tower would be constructed on the east side of SR 70. This work is necessary to accommodate the realignment of SR 70 and construction of the SR 70/149 interchange. Impacts associated with this work would consist of removal of existing vegetation, and would be addressed as necessary under Caltrans' Standard Best Management Practices for erosion control and water quality. This text has been added in Sections 3.12.1 through 3.12.3.

Memorandum



To: Ms. Jean L. Baker, Chief
Environmental Management M-2
California Department of Transportation (Caltrans)
Post Office Box 911
Marysville, California 95901

Date: July 17, 2002

From: 
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Subject: Comments on the Draft Environmental Impact Statement/Report (DEIS/R) for State Route 70/149/99/191 Highway Improvement Project in Butte County, California (State Clearinghouse No. 2001052061)

The Department of Fish and Game (Department) has reviewed the subject May 2002 DEIS/R for a Highway Improvement Project between Oroville and Chico in Butte County, California. The proposed project will widen 4.6 miles of SR 149 from a two-lane highway to a four-lane expressway and construct freeway-to-freeway interchanges at both the SR 70/149 and 99/149 intersections. In addition, the project proposes to realign SR 70 between SRs 149 and 191, rehabilitate the existing SR 149 roadway, reconstruct the SR 70/191 intersection, construct driveway access roads, and reconstruct a portion of three county roads including Shippee Road, Table Mountain Road, and Book Farm Road.

The proposed project is an integral element of the SR 70/149/99 Sacramento to Chico corridor improvement plan which will connect Chico and Oroville with the Marysville/Yuba City area, and the State freeway system. Other elements of the plan include the "Highway 70 Extension Project" at Oroville and the "Marysville Bypass Project."

The Department is providing comments on the DEIS/R as both a responsible and trustee agency. As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species. In this capacity, the Department administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that afford protection to the State's fish and wildlife public trust resources.